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Amendment and Response

Serial No.: 10/809,660

Confirmation No.: 7495

Filed: March 25, 2004

For: ELECTROSPRAYING APPARATUS AND METHOD FOR COATING PARTICLES

Page 6 of 7

Remarks

The Office Action mailed February 12, 2007 has been received and reviewed. Claim 99 has been amended to remove the "71." at the end thereof, and claims 71-80 have been canceled, without prejudice. Therefore, the pending claims are claims 81-99. Reconsideration and withdrawal of the rejections are respectfully requested in view of the amendments and remarks provided herein.

Information Disclosure Statement

Applicants filed an Information Disclosure Statement on September 10, 2004 (enclosed as Exhibit A). To date, Applicants have not received an initialed 1449 form from the Examiner, acknowledging that this Information Disclosure Statement was reviewed. If copies of the documents cited are needed, please advise the Applicants accordingly and duplicate copies will be provided.

Objection to Claim

Claim 99 was objected to because of a typographical error. Such error has been corrected.

Double Patenting Rejection

Claims 81-99 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 19, 21, 22, 26, 29 and 36 of U.S. Patent No. 6,399,362, as follows: instant claims 81, 82 and 85-88 over patented claim 19; instant claims 83 and 84 over patented claims 21; instant claims 89, 90 and 92 over patented claims 22, 26, and 36, respectively; and instant claims 91 and 93-99 over patented claim 29.

A Terminal Disclaimer which, Applicants submit, is in compliance with 37 CFR 1.321(c) and thereby obviates the Examiner's double patenting rejection of pending claims 81-99.

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Amendment and Response

Page 7 of 7

Serial No.: 10/809,660

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For: ELECTROSPRAYING APPARATUS AND METHOD FOR COATING PARTICLES

Summary

It is respectfully submitted that the pending claims are in condition for allowance and notification to that effect is respectfully requested. The Examiner is invited to contact Applicants' Representatives, at the below-listed telephone number, if it is believed that prosecution of this application may be assisted thereby.

Respectfully submitted

By

Mueeting, Raasch & Gebhardt, P.A.

P.O. Box 581415

Minneapolis, MN 55458-1415

Phone: (612) 305-1220

Facsimile: (612) 305-1228

Customer Number 26813

14 May 2007
DateBy: 

Mark J. Gebhardt

Reg. No. 35,518

Direct Dial (612) 305-1216

CERTIFICATE UNDER 37 CFR §1.8:

The undersigned hereby certifies that the Transmittal Letter and the paper(s), as described hereinabove, are being transmitted by facsimile in accordance with 37 CFR §1.6(d) to the Patent and Trademark Office, addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 14 day of May, 2007, at 2:00 p.m. (Central Time).

By: Sandy Truehart

Name:

Sandy Truehart

EXHIBIT A

COPY

Receipt is hereby acknowledged for the following in the U.S. Patent and Trademark Office:

Applicant(s): David Y.H. Pui et al.
Serial No.: 10/809,660
Filed: March 25, 2004
Confirmation No. 7495
Title: ELECTROSPRAYING APPARATUS AND METHOD FOR COATING PARTICLES

Enclosed: Information Disclosure Statement (3 pgs); copy of one application with preliminary amendment; 1449 forms (6 pgs); copies of 47 documents cited on the 1449 form; and transmittal document (in triplicate).

Mailed: 9-10-04
Docket: 110.0050 0104

MJG/sjt

Receipt is hereby acknowledged for the following in the U.S. Patent and Trademark Office:

Applicant(s): David Y.H. Pui et al.
Serial No.: 10/809,660
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Mailed: 9-10-04
Docket: 110.0050 0104



MJG/sjt

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): PUI et al. Group Art Unit: 1762
 Serial No.: 10/809,660 Examiner: Unknown
 Filed: March 25, 2004 Docket No.: 110.00500104
 Confirmation No.: 7495
 Title: ELECTROSPRAYING APPARATUS AND METHOD FOR COATING PARTICLES

COPY

Mail Stop Amendment
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

We are transmitting the following documents along with this Transmittal Sheet (which is submitted in triplicate):

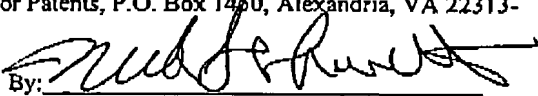
- ☒ An itemized return postcard.
☐ A Petition for Extension of Time for ___ month(s) and a check in the amount of \$___ for the required fee.
☒ An Information Disclosure Statement (3 pgs); copy of one application with preliminary amendment; 1449 forms (6 pgs); and copies of 47 documents cited on the 1449 forms.
☐ A check in the amount of \$___, for ___
☐ A certified copy of a ___ application, Serial No. ___ filed ___, the right of priority of which is claimed under 35 U.S.C. §119.
☐ Other:
☐ Amendment ___ No Additional fee is required. ___ The fee has been calculated as shown:

| Fee Calculation for Claims Pending After Amendment | | | | | |
|---|------------------------------------|-----------------------------|-----------------------------------|---------------------------|--------------------------|
| | Pending Claims after Amendment (1) | Claims Paid for Earlier (2) | Number of Additional Claims (1-2) | Cost per Additional Claim | Additional Fees Required |
| Total Claims | | | | x \$18 = | |
| Independent Claims | | | | x \$86 = | |
| One or More New Multiple Dependent Claims Presented? If Yes, Add \$290 Here → | | | | | |
| Total Additional Claim Fees Required | | | | | |

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers and please charge any additional fees or credit overpayment to Deposit Account No. 13-4895. Triplicate copies of this sheet are enclosed.

CERTIFICATE UNDER 37 C.F.R. §1.8: The undersigned hereby certifies that this Transmittal Letter and the paper(s), as described hereinabove, are being deposited in the United States Postal Service, as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 10th day of Sept, 2004.

MUETING, RAASCH & GEBHARDT, P.A.
 Customer Number: 26813

By: 
 Mark J. Gebhardt
 Reg. No.: 35,516
 Direct Dial: 612-305-1216
 Facsimile: 612-305-1228

(LARGE ENTITY TRANSMITTAL UNDER RULE 1.8)

MAY 14 2007

PATENT

Docket No. 110.00500104

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Pui et al.

Group Art Unit: 1762

Serial No.: 10/809,600

Examiner: Unassigned

Confirmation No.: 7495

Filed: March 25, 2004

For: ELECTROSPRAYING APPARATUS AND METHOD FOR COATING PARTICLES**COPY**INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment
Assistant Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In compliance with the duty imposed by 37 C.F.R. § 1.56, and in accordance with C.F.R. §§ 1.97 *et. seq.*, the materials enclosed herewith are brought to the attention of the Examiner as possibly being of interest in connection with the above-identified patent application. Per M.P.E.P. § 609, the information cited in the present Information Disclosure Statement shall not be construed to be an admission that the information is, or is considered to be, material to patentability. Consideration of each of the documents listed on the attached 1449 forms is respectfully requested. Pursuant to the provisions of M.P.E.P. §609, Applicants further request that a copy of the 1449 forms, marked as being considered and initialed by the Examiner, be returned with the next Official Communication.

Applicants also wish to bring the Examiner's attention to the following pending U.S. Applications, as well as any documents, Office Actions that may include rejections of similar claims, and any provisional U.S. patent applications referenced in the pending U.S. applications or in their file wrappers. A copy of each of the below-listed pending U.S. Patent Applications is provided herewith.

Information Disclosure Statement

Page 2 of 3

Applicants: Pui et al.

Serial No.: 10/809,660

Confirmation No.: 7495

Filed: March 25, 2004

For: ELECTROSPRAYING APPARATUS AND METHOD FOR COATING PARTICLES**COPY****List of Pending Non-Published U.S. Patent Applications**

| Applicant(s) | Application Number | Filing Date | Serial No. of Provisional Application to which listed Application claims priority |
|------------------------------|--------------------|-------------|---|
| PUI et al. (110.01320102) | 10/889,341 | 07/12/04 | 60/204,238 |
| | | | |

This application is a divisional of U.S. Patent Application Serial No. 10/162,031, filed June 3, 2002, issued as U.S. Patent No. 6,746,869 which is a continuation of U.S. Patent Application Serial No. 09/577,747, filed May 23, 2000, issued as U.S. Patent No. 6,399,362, which is a divisional of U.S. Patent Application Serial No. 09/092,794, filed June 5, 1998, issued as U.S. Patent No. 6,093,557, which claims benefit of U.S. Provisional Patent Application Serial No. 60/049,444, filed June 12, 1997. In accordance with 37 C.F.R. §1.98(d), copies of documents previously cited by or submitted to the U.S. Patent and Trademark Office in connection with Applicants' prior application(s) listed above, are not included herewith.

It is believed that no fee is due, as this Information Disclosure Statement is filed prior to the receipt of any Action on the merits. However, in the event a fee is due, please charge any fee or credit any overpayment to Account No. 13-4895.

Information Disclosure Statement

Page 3 of 3

Applicants: Pui et al.

Serial No.: 10/809,660

Confirmation No.: 7495

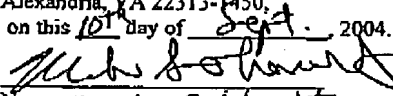
Filed: March 25, 2004

For: ELECTROSPRAYING APPARATUS AND METHOD FOR COATING PARTICLES**COPY**

The Examiner is invited to contact Applicants' Representatives at the below-listed telephone number, if they can be of any assistance during prosecution of the present application.

CERTIFICATE UNDER 37 C.F.R. 1.8:

The undersigned hereby certifies that this paper is being deposited in the United States Postal Service, as first class mail, in an envelope addressed to: Mail Stop Amendment, Assistant Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 10th day of Sept., 2004.



Name: Mark Gebhardt

Respectfully submitted for Pui et al.,
PUI et al.

By
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P.O. Box 581415
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Facsimile: (612)305-1228
Customer Number 26813

10 Sept, 2004
Date

MJG/sjt

By: 
Mark J. Gebhardt
Reg. No. 35,518
Direct Dial (612)305-1216

| | | |
|---|---|------------------------|
| INFORMATION DISCLOSURE STATEMENT | Atty. Docket No.: 110.00500104 | Serial No.: 10/809,660 |
| | Applicants: Pui et al. | Confirmation No.: 7495 |
| | Application Filing Date: March 25, 2004 | Group: 1762 |
| | Information Disclosure Statement mailed: September 10, 2004 | |

U.S. PATENT DOCUMENTS

COPY

| Examiner Initial | Copy Enclosed | Document Number | Date | Name | Class | Subclass | Filing Date If Appropriate |
|------------------|---------------|-----------------|----------|--------------------|-------|----------|----------------------------|
| | | 3,521,125 | 07/21/70 | Nelson | | | |
| | | 3,608,823 | 09/28/71 | Buschor | | | |
| | | 3,654,534 | 04/04/72 | Fischer | | | |
| | | 4,002,777 | 01/11/77 | Juvinall et al. | | | |
| | | 4,039,145 | 08/02/77 | Felici et al. | | | |
| | | 4,265,641 | 05/05/81 | Natarajan | | | |
| | | 4,328,940 | 05/11/82 | Malcolm | | | |
| | | 4,414,603 | 11/08/83 | Masuda | | | |
| | | 4,476,515 | 10/09/84 | Coffee | | | |
| | | 4,578,290 | 03/25/86 | Komon et al. | | | |
| | | 4,634,057 | 01/06/87 | Coffee et al. | | | |
| | | 4,659,012 | 04/21/87 | Coffee | | | |
| | | 4,748,043 | 05/31/88 | Seaver et al. | | | |
| | | 4,795,330 | 01/03/89 | Noakes et al. | | | |
| | | 4,846,407 | 07/11/89 | Coffee et al. | | | |
| | | 4,945,050 | 07/31/90 | Sanford et al. | | | |
| | | 5,036,006 | 07/30/91 | Sanford et al. | | | |
| | | 5,044,564 | 09/03/91 | Sickles | | | |
| | | 5,066,587 | 11/19/91 | Jones et al. | | | |
| | | 5,091,205 | 02/25/92 | Fan | | | |
| | | 5,100,792 | 03/31/92 | Sanford et al. | | | |
| | | 5,120,657 | 06/09/92 | McCabe et al. | | | |
| | | 5,141,131 | 08/25/92 | Miller, Jr. et al. | | | |

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| EXAMINER | Date Considered |
| <small>*Examiner: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.</small> | |

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| Examiner Initial | Copy Enclosed | Document Number | Date | Name | Class | Subclass | Line of Code | Year of Date |
|------------------|---------------|-----------------|----------|--------------------|-------|----------|--------------|--------------|
| | | 5,149,655 | 09/22/92 | McCabe et al. | | | | |
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| | | 5,204,253 | 04/20/93 | Sanford et al. | | | | |
| | | 5,219,746 | 06/15/93 | Brinegar et al. | | | | |
| | | 5,222,663 | 06/29/93 | Noakes et al. | | | | |
| | | 5,240,842 | 08/31/93 | Mets | | | | |
| | | 5,247,842 | 09/28/93 | Kaufman et al. | | | | |
| | | 5,354,556 | 10/11/94 | Sparks et al. | | | | |
| | | 5,371,015 | 12/06/94 | Sanford et al. | | | | |
| | | 5,433,865 | 07/18/95 | Laurent | | | | |
| | | 5,457,041 | 10/10/95 | Ginaven et al. | | | | |
| | | 5,475,228 | 12/12/95 | Palathingal | | | | |
| | | 5,478,744 | 12/26/95 | Sanford et al. | | | | |
| | | 5,506,125 | 04/09/96 | McCabe et al. | | | | |
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| | | 5,584,807 | 12/17/96 | McCabe | | | | |
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| | | 5,655,517 | 08/12/97 | Coffee | | | | |
| | | 5,683,556 | 11/04/97 | Nomura et al. | | | | |
| | | 5,685,482 | 11/11/97 | Sickles | | | | |
| | | 5,702,754 | 12/30/97 | Zhong | | | | |
| | | 5,807,436 | 09/15/98 | Stachelhaus et al. | | | | |
| | | 5,813,614 | 09/29/98 | Coffee | | | | |

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| | Information Disclosure Statement mailed: September 10, 2004 | |

| Examiner Initial | Copy Enclosed | Document Number | Date | Name | Class | Subclass | Filing Date If Appropriate |
|------------------|---------------|-----------------|----------|-------------------|-------|----------|----------------------------|
| | | 5,837,313 | 11/17/98 | Ding et al. | | | |
| | | 5,846,595 | 12/08/98 | Sun et al. | | | |
| | | 5,866,400 | 02/02/99 | Palsson et al. | | | |
| | | 5,873,523 | 02/23/99 | Gomez et al. | | | |
| | | 5,897,911 | 04/27/99 | Loeffler | | | |
| | | 5,915,377 | 06/29/99 | Coffee | | | |
| | | 5,973,904 | 10/26/99 | Pui et al. | | | |
| | | 5,980,972 | 11/09/99 | Ding | | | |
| | | 5,992,244 | 11/30/99 | Pui et al. | | | |
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| | | 6,120,847 | 09/19/00 | Yang et al. | | | |
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| Examiner Initial | Copy Enclosed | Document Number | Date | Name | Class | Subclass | Filing Date If Appropriate |
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| | | 6,419,745 | 07/16/02 | Burkett et al. | | | |
| | | 6,746,869 | 06/08/04 | Pui et al. | | | |
| | | 6,764,720 | 07/20/04 | Pui et al. | | | |
| | | 2003/0143315A1 | 07/31/03 | Pui et al. | | | |

FOREIGN PATENT DOCUMENTS

| Examiner Initial | Copy Enclosed | Document Number | Date | Country | Class | Subclass | Translation | |
|------------------|---------------|-----------------|----------|-----------------|-------|----------|-------------|----|
| | | | | | | | Yes | No |
| | ✓ | 1052695 A | 03/18/93 | CN (w/Abstract) | | | | |
| | ✓ | 198 46 656 A1 | 04/29/99 | DE (w/Abstract) | | | | |
| | ✓ | 199 09 333 A1 | 11/11/99 | DE (w/Abstract) | | | | |
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| | ✓ | 0 270 356 A2 | 12/02/87 | EP | | | | |
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| | ✓ | 0 434 616 B1 | 06/26/91 | EP | | | | |
| | ✓ | 0 429 234 A2 | 05/29/91 | EP | | | | |
| | ✓ | 0 429 234 A3 | 05/29/91 | EP | | | | |
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| | ✓ | 6-242273 | 09/02/94 | JP (w/Abstract) | | | | |
| | ✓ | 91/00915 | 01/24/91 | WO | | | | |
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| | ✓ | 93/07465 | 04/15/93 | WO | | | | |
| | ✓ | 98/03267 | 01/29/98 | WO | | | | |
| | ✓ | 98/56894 | 12/17/98 | WO | | | | |

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| | Information Disclosure Statement mailed: September 10, 2004 | |

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|---|--------------|----------|----|--|--|--|--|
| ✓ | 99/03517 | 01/28/99 | WO | | | | |
| ✓ | 99/30812 | 06/24/99 | WO | | | | |
| ✓ | 99/30835 | 06/24/99 | WO | | | | |
| ✓ | 99/31019 | 06/24/99 | WO | | | | |
| ✓ | 01/087491 A1 | 11/22/01 | WO | | | | |
| ✓ | 03/082363 A1 | 10/09/03 | WO | | | | |
| ✓ | 04/047882 A2 | 06/10/04 | WO | | | | |
| ✓ | 04/047882 A3 | 06/10/04 | WO | | | | |

OTHER DOCUMENTS (Including Authors, Title, Date, Pertinent Papers, etc.)

| Examiner Initial | Copy Enclosed | Document Description |
|------------------|---------------|--|
| | ✓ | Adachi et al., "High-efficiency unipolar aerosol charger using a radioactive alpha source," <i>Aerosol Science, Industry Health and Environment</i> , Masuda and Takahashi, eds., Pergamon Press, NY, 1990; 439-441. |
| | ✓ | Adachi et al., "Unipolar and Bipolar Diffusion Charging of Ultrafine Aerosol Particles," <i>J. Aerosol Sci.</i> , 1985; 16(2):109-123. |
| | ✓ | Büscher et al., "Performance of a unipolar 'square wave' diffusion charger with variable nt-product," <i>J. Aerosol Sci.</i> , 1994; 25(4) 651-663. |
| | ✓ | Chen et al., "Design and Evaluation of a Nanometer Aerosol Differential Mobility Analyzer (Nano-DMA)," <i>J. Aerosol Sci.</i> , 1998; 29(5/6):497-509. |
| | ✓ | Chen et al., "Electrospraying of Conducting Liquids for Monodisperse Aerosol Generation in the 4 nm to 1.8µm Diameter Range," <i>J. Aerosol Sci.</i> , 1995; 26(6):963-977. |
| | ✓ | Chen et al., "Experimental Investigation of Scaling Laws for Electrospraying: Dielectric Constant Effect," <i>Aerosol Science and Technology</i> , 1997; 27(3):367-380. |
| | ✓ | Fuchs, "On the Stationary Charge Distribution on Aerosol Particles in a Bipolar Ionic Atmosphere," <i>Geodis:Pura. Appl.</i> , 1963; 56:185-193. |
| | ✓ | Ganan-Calvo, "Generation of Steady Liquid Microthreads and Micron-Sized Monodisperse Sprays in Gas Streams," <i>Phys. Rev. Lett.</i> , 1998; 80(2):285-288. |

| | |
|--|------------------------|
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| | Information Disclosure Statement mailed: September 10, 2004 | |

| Examiner Initial | Copy Enclosed | Document Description |
|------------------|---------------|--|
| | ✓ | Ganan-Calvo, "New Microfluidic Technologies to Generate Respirable Aerosols for Medical Application," <i>J. of Aerosol Sci.</i> , 1999; 30(Suppl. 1):S541-S542. |
| | ✓ | Hoppel et al., "The Nonequilibrium Character of the Aerosol Charge Distribution Produced by Neutralizers," <i>Aerosol Sci. & Technol.</i> , 1990; 12:471-496. |
| | ✓ | Liu et al., "On unipolar diffusion charging of aerosol particles in the continuum regime," <i>J. Colloid Interface Sci.</i> , 1977; 58:142-149. |
| | ✓ | "Minnesota Nanotechnology Summit: Opportunities and Challenges," Final Program, Mar. 17, 2000, Minneapolis, MN. |
| | ✓ | Product Literature, BINKS Electrostatic spray painting equipment, 7 pgs, No Date Provided. |
| | ✓ | Pui et al., "Nanometer Particles: A New Frontier For Multidisciplinary Research," <i>J. Aerosol Sci.</i> , 1997; 28(4) 539-544. |
| | ✓ | Pui et al., "Unipolar Diffusion Charging Ultrafine Aerosols," <i>Aerosol Sci. Techn.</i> , 1988; 8:173-187. |
| | ✓ | Romay et al., "Free electron charging of ultrafine aerosol particles," <i>J. Aerosol Sci.</i> , 1992; 23(7):679-692. |
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| EXAMINER | Date Considered |
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